


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
2006 JAN 24 PM 4:06
CLERK OF COURT
WESTERN DISTRICT OF TEXAS
BY: 

ALBERTA DUKES,

Plaintiff,

-vs-

Case No. A-05-CA-360-SS

R. JAMES NICHOLSON, Secretary, Department
of Veterans Affairs,
Defendant.

ORDER

BE IT REMEMBERED on the 24th day of January 2006 the Court reviewed the file in the above-styled cause, the Court reviewed the above-styled case, and specifically the defendant's "Motion to Dismiss Pursuant to 28 U.S.C. § 1915(e)(2)" and thereafter, enters the following:

The defendant R. James Nicholson, Secretary of Veterans Affairs, Department of Veterans Affairs, filed a motion to dismiss on December 12, 2005, specifically alleging plaintiff Alberta Dukes "misrepresented her financial status when she applied for in forma pauperis status" and supplied indisputable evidence that Ms. Dukes' declaration under the penalties of perjury gave completely false information. Ms. Dukes has filed no pleadings disputing the evidence presented by the defendant nor has she responded to these pleadings. Ms. Dukes previously sued the Secretary of the Department of Veterans Affairs in cause number A-04-CV-743. That lawsuit ended on December 12, 2005, whereby the defendant Secretary of Veterans Affairs obtained judgment as a matter of law regarding Ms. Dukes' allegations and pleadings. Ms. Dukes was allowed to proceed in forma pauperis in cause number A-04-CV-743.

Neither of the lawsuits filed by Ms. Dukes had substantive merit with the result of the American taxpayers incurring substantial liability with the defense of these lawsuits and Ms. Dukes not even having to pay court costs.

IT IS THEREFORE ORDERED that the order permitting Alberta Dukes to proceed in forma pauperis in this case is REVOKED AND HELD FOR NAUGHT.

IT IS FURTHER ORDERED that Alberta Dukes is sanctioned in the amount of ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) for her intentional misrepresentation to the United States Magistrate Judge regarding her financial circumstances.

IT IS FINALLY ORDERED that the above-styled and numbered cause be, and the same is hereby, DISMISSED with prejudice to the rights of Alberta Dukes and with all costs of suit and the sanction of \$1,000.00 taxed against Alberta Dukes, for which let execution issue.

SIGNED this the 24th day of January 2006.


UNITED STATES DISTRICT JUDGE